

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.M.H.W., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JAMIE WACHNER,

Respondent-Appellant.

UNPUBLISHED

August 27, 2002

No. 239175

Saginaw Circuit Court

Family Division

LC No. 98-025468-NA

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(g), (j), and (m).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for termination of respondent's parental rights. Petitioner took emergency custody of the child immediately after the child was born, and filed a petition seeking termination of respondent's parental rights only days later. Respondent lost custody of two other children, and in fact voluntarily terminated her parental rights to one child. The evidence produced at the permanent custody hearing showed that respondent was developmentally disabled and suffered from various emotional and

¹ The trial court's order did not terminate the parental rights of non-participating respondent David Hakowski, the father of M.M.H.W.

psychiatric difficulties for which she refused to take prescribed medication. Petitioner offered respondent numerous services, but respondent made only sporadic and largely unsuccessful attempts to address her problems. Respondent's lifestyle was unstable, and she continued a relationship with the father of her children in spite of the fact that he was physically abusive to her.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent could not provide proper care and custody for the child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), that it was reasonably likely the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j), and that respondent voluntarily terminated her parental rights to another child, MCL 712A.19b(3)(m). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen